

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.444 OF 2005
IN
SUMMARY SUIT NO.641 OF 2005

Mechelonic Engineers Pvt.Ltd. Plaintiff
V/s.
Brown Kraft Industries Ltd. & Ors. Defendants

Mr.Snehal Shah i/b Dhru & Co. for the Plaintiff.
Mr.Debarati Nag for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 28TH NOVEMBER, 2005.

P.C. :

1. The suit is filed to recover the amounts due under the suit bill of exchange drawn by Defendant No.1 and accepted by Defendant No.1.

2. In respect of Defendant No.1, there is a reference pending before the B.I.F.R. Hence qua Defendant No.1 the Summons for Judgment is dismissed with leave to the Plaintiff to take out a fresh Summons for Judgment if occasion arises. Defendant No.1 is directed to inform the Plaintiff in the event of the reference being dismissed/withdrawn/rejected or otherwise coming to an end for whatsoever reason.

3. So far as Defendant No.2 is concerned, there is no affidavit in reply. There is no defence to the suit. The liability is admitted.

4. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed as against Defendant No.2 and costs.

5. The Plaintiff shall serve a copy of this order on Defendant No.1.